

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 2

AN ACT concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. [EFFECTIVE JULY 1, 2018 (RETROACTIVE)] (a)
The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2018-2019 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2018-2019 school year may not be lower than the school's or school corporation's category or designation of school or school corporation performance for the 2017-2018 school year.

(c) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2019-2020 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2019-2020 school year is the higher of a school's or school corporation's category or designation of school or school corporation performance:

(1) determined under subsection (b); or

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(2) for the 2019-2020 school year as determined under IC 20-31-8.

(d) Notwithstanding IC 20-31-9, and except as otherwise provided in this subsection, a school's category or designation of school performance assigned by the state board under subsection (b) or (c) may not be used in the determination of consequences under IC 20-31-9. The school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-31-9 for a school that has been placed in the lowest category or designation of school performance under subsections (b) and (c). However, a school may petition the state board, and the state board shall grant the school's petition to use the grade assigned to the school under subsection (b) or (c) for purposes of applying IC 20-31-9.

(e) Notwithstanding IC 20-51-4-9, and except as otherwise provided in this subsection, an eligible school's (as defined in IC 20-51-1-4.7) category or designation of school performance under subsection (b) or (c) may not be used in the determination of consequences under IC 20-51-4-9 if the eligible school is placed in either of the two (2) lowest categories or designations of school performance under subsection (b) or (c). The eligible school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-51-4-9 for an eligible school that has been placed in the two (2) lowest categories or designations of school performance under subsections (b) and (c). However, an eligible school may petition the state board, and the state board shall grant the eligible school's petition to use the eligible school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-51-4-9.

(f) Notwithstanding IC 20-24-2.2-2, a charter school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying IC 20-24-2.2-2(a) for a charter school that has been placed in the lowest category or designation of school performance under subsection (b) or (c). However, a charter school may petition the state board, and the state board shall grant the charter school's



petition to use the charter school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-24-2.2-2(a).

(g) This SECTION expires January 1, 2023.

SECTION 2. [EFFECTIVE JULY 1, 2018 (RETROACTIVE)] (a)
The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-28-11.5-4 or 511 IAC 10-6-4, ILEARN program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2018-2019 or 2019-2020 school year, based on Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program test under IC 20-32-5.1 taken in the spring of 2019 and 2020, may not be used by a school corporation as part of an annual performance evaluation of a particular certificated employee under a performance plan developed under IC 20-28-11.5-4 unless the use of the ILEARN program test scores or a school's category or designation of school improvement under IC 20-31-8 for the 2018-2019 or 2019-2020 school year would improve the particular certificated employee's annual performance rating. If ILEARN program test scores or a school's category or designation of school improvement are not used in a particular certificated employee's annual performance evaluation, the weight of all other measures used in the certificated employee's annual performance evaluation must be proportionately increased to replace measures based on the ILEARN program test or the school's category or designation of school improvement.

(c) This SECTION expires July 1, 2023.

SECTION 3. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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